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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/290,855

04/13/1999

ABDUL GHAFOR AKRAM

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05/25/2004

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EXAMINER

PHAN, MAN U

ART UNIT

PAPER NUMBER

2665

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DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/290,855

Applicant(s)

AKRAM ET AL.

Examiner

Man Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-9 and 11-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,6-9 and 11-19 is/are allowed.
- 6) ☒ Claim(s) 20 is/are rejected.
- 7) ☒ Claim(s) 231, 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment and Argument

1. This communication is in response to applicant's 03/26/2004 Amendment in the application of Akram et al. for a "Method and apparatus for simultaneous multilane phone and data services over a single access facility " filed 04/13/1999. This application is a Request for Continued Examination (RCE) under 37C.F.R. 1.114 filed on December 9, 2003. The proposed amendment to the claims and response have been entered and made of record. Claims 1-2, 6-8, 12-13, 17-18 & 22-23 have been amended. Claims 1-3, 6-9 & 11-23 are pending in the present application.

The rejection of record with respect to claims 1, 6, 7, 12, 13, 17, 18, 22 under 35 U.S.C. § 112, second paragraph are hereby removed based on applicant's amendment.

2. Applicant's amendment and argument to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts or overcome the rejection of said claims under 35 U.S.C. 103 as discussed below. Applicant's argument with respect to the pending claims have been fully considered, but they are not persuasive for at least the following reasons.

3. Applicant's argument with respect to the rejected claim 20 (page 11, sixth paragraph) that the cited references do not disclose *"a gateway server that routes a voice related signal between a wall unit and the PSTN, and routes a data related signal between the wall unit and an IP network"*. However, Regnier (US#6,345,047) discloses an apparatus for simultaneously

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sending a telephone call from a PSTN (*voice related signal*), and IP packets (*data related signal*) over s subscriber line (Col. 2; lines 57-62). Fig. 1 is a block diagram illustrated the known Phone Doubler arrangement in the PSTN/ISDN , in which a phone doubler gateway 70 is connected to the PSTN (*for routing voice related signal*) and to an Internet access server 80 (*for routing data related signal*). The VOIP gateway and the Internet access server may be co-located and connected by a local area network such as an ethernet link. The Internet access server is linked to the rest of the Internet 90, and also to the PSTN (*for routing data and voice related signals*) (Col. 1, lines 48-54). Regnier also teaches in Fig. 6 an overview of the configuration of the Home Computer Telephony Adapter (HTCA) for providing voice and data communication capability over the existing in-house wiring (routing data and voice related signals HTCA and the PSTN/ISP services (Col. 10, lines 51 plus). Furthermore, Doshi et al. (US#6,144,667) teaches in Fig. 1 a schematic diagram illustrated of an integrated PSTN/IP telephonic call signals, in which a voice/data net gateway (120) that routes a voice related signal through PSTN (100) and the data related signal through IP (50) network (*gateway server that routes voice/data related signals through PSTN/IP network*) (Col. 4, lines 21 plus). Therefore, the Examiner maintains that the references cited and applied in the last office actions for the rejection of the claims are maintained in this office action.

Claim Objections

4. Claims 6, 7 are objected to because of the following informalities: “encoded telephonic signals” should read --encoded telephonic call signals-- (line 2 for claim 6, line 11 for claim 7). Appropriate correction is required.

Claim Rejections - 35 USC ' 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 1038 and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Regnier (US#6,345,047) in view of Doshi et al. (US#6,144,667).

With respect to claim 20, both Regnier (US#6,345,047) and Doshi et al. (US#6,144,667) disclose a novel method and system for Internet and telephonic communications systems utilizing voice over Internet Protocol (VoIP) according to the essential features of the claim. Regnier provides a computer telephony adapter for use at a subscriber site with a subscriber line,

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for simultaneously sending a telephone call from a PSTN compatible telephone terminal on the subscriber site, and IP packets from a first computer, over the subscriber line, the adaptor has a converter for converting signals from the telephone terminal into IP packets, and a multiplexer, for sending simultaneously the IP packets representing the telephone call and those from the computer, along the subscriber line. The adaptor is also arranged to handle calls without conversion to IP packets, when the subscriber telephone line is not used for carrying IP packets. Using one subscriber line, all phones in a household can remain operational, to make and receive calls, while one or more PCS are concurrently accessing online services, without needing a second line, or special equipment to increase the bandwidth transmissible over the line (See Figs. 6 & 14; Col. 2, lines 54 plus).

In the same field of endeavor, Doshi et al. teaches a network-based method for initiating and completing a voice telephony call via the Internet comprises the steps of receiving call completion data at a voice/data network gateway of the public switched telephone network from an Internet application web server, which may comprise an Internet service provider or other entity serving Internet users via an Internet application web server, and transmitting call completion data to telecommunications switches for connecting an Internet user to a telephone of an application agent associated with the Internet server. The application agent may be associated with a 1 8YY toll-free number or other national or international telephone number. Call progress data is translated into data communications protocol format to be returned to the Internet server where it may be displayed to the user. Preferably, the link between the Internet application web server and the voice/data network gateway comprises a telecommunications data link, for example, an ISDN data link. Once a voice telephone call is established between a user

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and an application agent, other parties may be added to the call via a conference bridge. Other services and features that may not be available or implementable in a customer premises based system but are in a network-based solution comprise tone, video, facsimile, video, modem, speech recognition and other features (See Figs. 1a,b and the Abstract; Col. 4, lines 21 plus). One skilled in the art would have recognized the need for effectively and efficiently providing multiline telephonic and data services over a single access facility using data multiplexing network in VoIP network, and would have applied Doshi's novel use of the voice/data net gateway (NAP) for encoding the incoming telephone channels into Regnier's teaching of the Home Computer telephony Adapter (HCTA) for use in VoIP. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Doshi's network-based method and apparatus for initiating and completing a telephone call via the Internet into Regnier's computer telephony adapter and method with the motivation being to provide method for supporting the multiline telephonic and data services over a single access facility in VoIP.

Allowable Subject Matter

8. Claims 1-3, 6-9, 11-19 and 23 are allowable.
9. Claims 21, 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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10. The following is an examiner's statement of reasons for the indication of allowable subject matter: The closest prior art of record fails to disclose or suggest one or more bypassing elements positioned between the plurality of telephonic devices and the statistical multiplexor and operative to connect the plurality of telephonic devices either to the at least one call processing element or to the communication network; a control circuitry and a customer premises equipment interface circuitry for providing at least one of the group comprising: D.C. power, indications of on-hook and off-hook conditions, ring current, ring back tones or busy tones; wherein the control circuitry communicates with the at least one call processing element and controls the customer premises equipment interface circuitry.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION THIS ACTION IS MADE FINAL**. See MPEP ' 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

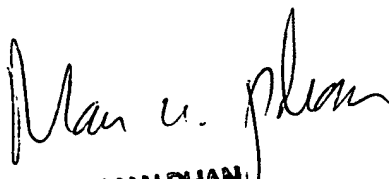
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Phan whose telephone number is (703)305-1029. The examiner can normally be reached on Mon - Fri from 6:30 to 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703)305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Mphan

05/24/2004.


MAN PHAN
PATENT EXAMINER